

## Message Text

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ORIGIN COME-00

INFO OCT-01 EUR-12 IO-13 ISO-00 EB-08 SP-02 USIA-06  
AID-05 NSC-05 TRSE-00 SS-15 STR-04 OMB-01 CEA-01  
CIAE-00 FRB-03 INR-07 NSAE-00 XMB-02 OPIC-03  
LAB-04 SIL-01 ITC-01 L-03 H-01 AGRE-00 /098 R

DRAFTED BY COM/BIEPR/OTP/IND/HKIRPAN  
APPROVED BY UR/RPE:EDWARD A. CASEY  
COM/BIEPR/OTP/IND/HBRATT  
COM/BIEPR/OTP/TNAD/ARYDER  
COM/BIC/OIM/PFIELD  
STATE/EUR/WE/EJBEIGEL  
STATE/EB/OT/RMEYER  
STATE/EUR/RPE/RBRESLER  
STR/ELAPP

-----130502Z 043351 /15

R 122012Z APR 77  
FM SECSTATE WASHDC  
TO AMEMBASSY PARIS  
USMISSION EC BRUSSELS  
INFO USMISSION GENEVA

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E.O. 11652: N/A

TAGS: ETRD, EGEN, FR

SUBJECT: FRENCH LABELLING LAW

REF: (A) PARIS 5751 (B) STATE 1350 (C) STATE 313654

1. WE HAVE STUDIED THE FRENCH TEXT OF THE CIRCULAR OF  
MARCH 14 IMPLEMENTING THE LABELLING LAW AND FIND IT  
CONFUSING. AS POINTED OUT IN REF. (A), PARTS OF TEXT ARE  
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INCONSISTENT WITH STATEMENTS MADE BY HAUT COMITE DE LA  
LANGUE FRANCAISE DURING THE MEETING ON JANUARY 11 WITH  
EMBOFFS. WE ARE PARTICULARLY DISTURBED BY THE FACT THAT  
THE TEXT MAKES NO DISTINCTION BETWEEN CONSUMER AND CAPITAL  
GOODS. IF THE REGULATIONS ARE TO APPLY TO CAPITAL GOODS  
WHICH ACCOUNT FOR SOME 50 PERCENT OF U.S. EXPORTS TO FRANCE,  
IN ADDITION TO CONSUMER GOODS, WHICH REPRESENT CLOSE TO

10 PERCENT OF SUCH EXPORTS, A TOTAL APPROACHING 60 PERCENT OF U.S. EXPORTS TO FRANCE OR MORE THAN 2.5 BILLION DOLLARS WOULD BE AFFECTED.

2. ACTION-PARIS: EMBASSY IS REQUESTED TO (A) SEEK CLARIFICATION FROM THE FRENCH AUTHORITIES REGARDING THE APPLICABILITY OF THE REGULATIONS TO CAPITAL GOODS. FYI WE HAVE RECEIVED A COMPLAINT FROM VARIAN ASSOCIATES (REF. B AND C) WHICH EXPORTS SUCH GOODS. VARIAN HAS NOT REQUESTED ASSISTANCE FOR THE TIME BEING SINCE IT IS HANDLING THIS MATTER THROUGH A LAWYER IN PARIS END FYI; (B) INQUIRE AGAIN OF THE GOF ABOUT RESPONSIBILITY FOR PRODUCT LIABILITY AND/OR, WARRANTIES ESPECIALLY IF FRENCH TRANSLATION IS DONE BY SOMEONE OTHER THAN THE MANUFACTURER; (C) ASCERTAIN IF GOF INTENDS TO ESTABLISH PROCEDURES THAT WOULD ENABLE FRENCH IMPORTERS TO OBTAIN OFFICIAL ADVICE IN ADVANCE ON THE ACCEPTABILITY OF THEIR TRANSLATIONS OF FOREIGN LABELS, INSTRUCTION BOOKLETS, ETC; AND (D) INFORM FRENCH OFFICIALS THAT WE INTEND TO DISCUSS THIS MATTER FURTHER WHEN THE IMPLICATIONS OF THE REGULATIONS, INCLUDING ANY POTENTIAL ADVERSE EFFECTS ON U.S. EXPORTS, BECOME MORE CLEAR.

IN ADDITION WE WOULD APPRECIATE IT IF THE EMBASSY WOULD (A) INQUIRE IF THE IMPORTERS ASSOCIATION BROUGHT THE IMPLEMENTING CIRCULAR BEFORE THE CONSEIL D'ETAT AND IF SO, WHAT IS THE STATUS OF THE CASE; (B) SOUND OUT OTHER EMBASSIES IF THEY HAVE CONTACTED THE GOF TO MAKE KNOWN THEIR INDUSTRIES' CONCERNS REGARDING THE IMPLEMENTING LIMITED OFFICIAL USE

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REGULATIONS (E.G. EMBASSIES OF WEST GERMANY, SWEDEN, AND DENMARK); AND (C) FORWARD TO COMMERCE (HKIRPAN) TEXTS OF PUBLISHED "ARRETES" RELATING TO LAW NO. 72-19 OF JANUARY 7, 1972 ON ENRICHMENT OF FRENCH LANGUAGE. (COMMERCE PLANS TO PUBLISH AN ARTICLE ON THE SUBJECT OF THE LABELLING LAW AND THE IMPLEMENTING REGULATIONS. THE AVAILABILITY OF THESE "ARRETES" AT COMMERCE WOULD BE MENTIONED IN THE ARTICLE TO FACILITATE TRANSLATIONS IN THE UNITED STATES AS NECESSARY.)

3. EC BRUSSELS: MISSION REQUESTED TO INQUIRE IF THE EC COMMISSION HAS RECEIVED MEMBER COUNTRY COMPLAINTS REGARDING THE IMPLEMENTING REGULATIONS. REF. A INDICATED THAT THE DANES PLANNED TO CONTACT THE COMMISSION. VANCE

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NNN

## Message Attributes

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**TAGS:** ETRD, EGEN, FR  
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**Review Markings:**  
Margaret P. Grafeld  
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